

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-02741-BNB

RICHARD L. DAVIS, an individual and as CHIEF RED HAWK, Chief of the Latgawa,
THE CONFEDERATED TRIBES - ROGUE - TABLE ROCK AND ASSOCIATED
TRIBES, INC., a 501(c)(3) Oregon Corporation, and
THE LATGAWA NATIVE AMERICAN INDIAN NATION, a Sovereign Government,

Plaintiffs,

v.

THE STATE OF COLORADO,
COLORADO DEPARTMENT OF REVENUE,
BARBARA BROHL, individually, and as Director of the Colorado Department of
Revenue,
DISTRICT ATTORNEY JOSEPH MORALES, individually, and as representative of the
County of Denver,
ASSISTANT DISTRICT ATTORNEY KANDACE GERDES, individually, and as
representative of the County of Denver,
ALAN E. DEATLEY, an individual,
15 CORPORATIONS, INC., a Washington Corporation,
SOLUTIONS INTERNATIONAL LLC, an Oregon Corporation,
NAPI LLC, a Washington Corporation,
N.A.P.I. LLC, an Oregon Corporation,
NAPI COLORADO LLC, a Colorado Corporation, and their respective errors and
omissions insurance carriers,
CONSERVATION GROUP OF COLORADO LLC, a Colorado Corporation, and their
respective errors and omissions insurance carriers,
COUNTRY CASUALTY INSURANCE COMPANY,
COUNTRY MUTUAL INSURANCE COMPANY,
JAMES C. HACKSTAFF, an individual,
HACKSTAFF LAW GROUP, a Colorado Professional Services Corporation,
HACKSTAFF GESSLER, a Colorado Professional Services Corporation, and their
respective errors and omissions insurance carriers,
LES POWERS,
JANE DOE POWERS, individuals,
KEITH R. THERRIEN,
JANE DOE THERRIEN, individuals,
POWERS & THERRIEN P.S., a Washington Professional Services Corporation, and
their respective errors and omissions insurance carriers,
RANDY NICHOLS, an individual,
THE NICHOLS COMPANY, and their respective errors and omissions insurance

carriers,
CORY NEWKIRK, an individual,
BRENDA JACKSON, an individual,
JOHN MEDVED,
DEBRA MEDVED, as individuals,
MEDVED CHEVROLET, a Colorado Corporation, and their respective errors and
omissions insurance carriers, and
JOHN AND JANE DOES AND DOES ONE THROUGH ONE HUNDRED, alleged
participants in the Colorado Conservation Easement Tax Credit Program,

Defendants.

ORDER OF DISMISSAL

Plaintiff, Richard L. Davis, initiated this action by filing *pro se* a Complaint (ECF No. 1). On January 6, 2014, Mr. Davis filed an Amended Complaint (ECF No. 14). On January 15, 2014, Magistrate Judge Boyd N. Boland entered an order directing Mr. Davis to file a second amended complaint that complies with the pleading requirements of the Federal Rules of Civil Procedure. Magistrate Judge Boland also advised Mr. Davis that he lacks standing to represent the other parties listed as Plaintiffs in the caption of the amended complaint. Mr. Davis was warned that the action would be dismissed without further notice if he failed to file a second amended complaint within thirty days.

On February 18, 2014, Mr. Davis submitted a letter (ECF No. 17) requesting an extension of time to file the second amended complaint in which he alleged that the second amended complaint was prepared. On February 19, 2014, Magistrate Judge Boland entered a Minute Order (ECF No. 18) denying that request and advising Mr. Davis that requests for court orders may not be included in letters. On February 20,

2014, Mr. Davis filed a motion (ECF No. 19) for an extension of time to file the second amended complaint in which he again alleged that the second amended complaint was prepared and ready for filing. On February 21, 2014, Magistrate Judge Boland entered a Minute Order (ECF No. 20) denying the motion for an extension of time.

Mr. Davis has failed to file a second amended complaint within the time allowed. Therefore, the action will be dismissed without prejudice for failure to comply with a court order. Furthermore, the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status will be denied for the purpose of appeal. See *Coppedge v. United States*, 369 U.S. 438 (1962). If Plaintiff files a notice of appeal he also must pay the full \$505 appellate filing fee or file a motion to proceed *in forma pauperis* in the United States Court of Appeals for the Tenth Circuit within thirty days in accordance with Fed. R. App. P. 24. Accordingly, it is

ORDERED that the Complaint (ECF No. 1), the Amended Complaint (ECF No. 14), and the action are dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Mr. Davis failed to comply with a court order. It is

FURTHER ORDERED that leave to proceed *in forma pauperis* on appeal is denied without prejudice to the filing of a motion seeking leave to proceed *in forma pauperis* on appeal in the United States Court of Appeals for the Tenth Circuit.

DATED at Denver, Colorado, this 11th day of March, 2014.

BY THE COURT:

s/Lewis T. Babcock
LEWIS T. BABCOCK, Senior Judge
United States District Court